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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,666	09/14/1999	TAKAHITO MAFUNE	9281-3411	6321

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EXAMINER
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NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/395,666

Applicant(s)

MAFUNE, TAKAHITO

Examiner

Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/2002 has been entered.

Applicant's amendment dated 11/25/2002 has been received and entered.

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al., US Patent No. 6,067,136.

Regarding claims 1 and 3, Yamaguchi et al. disclose a liquid crystal display (LCD) device (figures 1 and 2) comprising:

- . an LCD cell (10) having a pair of transparent substrates (1, 2);
- . a super twisted-nematic liquid crystal layer (6) therebetween, wherein the retardation value is 1600nm (col. 8, line 55);
- . a pair of transparent electrodes (3, 4);
- . a pair of alignment layers inherently forming on the pair of transparent electrodes (according to an LCD device);

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. a reflective polarizing film including a combination of a transparent scattering layer (13) and a black layer (a light absorbing layer 14);

. a polarizing plate (11);

. a phase plate (12) having a retardation value of 1600nm (col. 8, line 57);

. an absorption axis of the polarizing plate is different from a delay axis of the phase plate, the delay axis of the phase plate is different from an alignment direction of the upper alignment layer and an absorption axis of the reflecting polarizing plate is different from an alignment direction of the lower alignment layer by angles as claimed (figure 2).

Although Yamaguchi et al. do not disclose a black layer of an acrylic resin as a light absorbing layer, it is notoriously well known in the art that black layer of an acrylic resin based material is one of such materials commonly used for the light absorbing layer in the liquid crystal display art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use a black layer of an acrylic resin for the Yamaguchi et al. light absorbing layer (14) because the use of one conventional material over another merely depends on the desire of the manufacturer and/or the availability and practicality of the material for the chosen manufacturing process.

### ***Response to Arguments***

3. Applicant's arguments filed 11/25/2002 have been fully considered but they are not persuasive.

In response to Applicant's argument that Yamaguchi does not anticipate or suggest the angle difference between the absorption axis of the reflecting polarizing film and a 3 o'clock

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position as well as the angle difference between the absorption axis of the reflecting polarizing film and the alignment direction of the alignment layer of the first transparent substrate is  $-305^{\circ}$  to  $-325^{\circ}$  (amendment, page 4), the Examiner, again, is not convinced by this argument since the same is true of the Yamaguchi et al. device (see figure 2). It should be noted that the absorption axis of the reflecting polarizing film (13) would be the axis in the direction perpendicular to the transmittable axis (13a). In other words, the angle difference between the absorption axis of the reflecting polarizing film (13) would be  $75^{\circ}$  comparing to the 3 o'clock and  $315^{\circ}$  comparing to the alignment direction (6b) of the alignment layer formed on the first substrate (2) of the LCD (10).

Accordingly, the rejection of claims 1 and 3 stand.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 703-305-0423. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7726 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*DN*  
January 27, 2003



**Dung Nguyen**  
**Patent Examiner**  
**GAU 2871**